

Exhibit 16 Borrock Order

SUPREME COURT OF THE STATE OF NEW YORK NEW YORK COUNTY

PRESENT: HON. ANDREW BORROK PART IAS MOTION 53EFM

Justice

-----X

SCORPION FITNESS INC, SCORPION CLUB VENTURES, LLC,

Plaintiff,

- v -

220 FIFTH REALTY LLC,

Defendant.

INDEX NO. 160631/2018

MOTION DATE 11/15/2018

MOTION SEQ. NO. 001

DECISION AND ORDER

-----X

The following e-filed documents, listed by NYSCEF document number (Motion 001) 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50

were read on this motion to/for

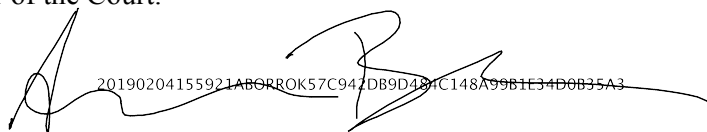
INJUNCTION/RESTRAINING ORDER

Upon the foregoing documents, it is ordered plaintiffs' motion for a Yellowstone Injunction is granted subject to the following:

- (1) Plaintiffs will clear or bond all mechanics' liens that may currently be filed on the property on account of plaintiffs' work on the property;
- (2) Plaintiffs will remove the barricade of the fire door immediately, if the fire door is barricaded, and to the extent that there is a violation, clear it within 45 days or show that he is diligently pursuing same to completion; and
- (3) Plaintiffs will deposit the outstanding rent, including rent for the months of December 2018, and January -- February 2019, with Defendant's attorneys in escrow within 45 days of this Order; and on the further condition that, commencing on March 1, 2019, during the pendency of this action, Plaintiffs pay base rent and additional rent due under the Lease between the parties on or before the 10th of the month, *pendente lite*.

Parties will appear for preliminary conference in Part 53, Rm 238, 60 Centre, on 3/21/19 at 11:30 A.M.

This constitutes the Decision and Order of the Court.


20190204155921ABORROK57C942DB9D401C148A9981E34D0835A3

2/4/2019

DATE

ANDREW BORROK, J.S.C.

CHECK ONE:

☐ CASE DISPOSED
☒ GRANTED
☐ SETTLE ORDER

CASE DISPOSED

GRANTED

SETTLE ORDER

☐ DENIED

☒ NON-FINAL DISPOSITION
☐ GRANTED IN PART
☐ SUBMIT ORDER

NON-FINAL DISPOSITION

GRANTED IN PART

SUBMIT ORDER

☐ OTHER

APPLICATION:

160631/2018 SCORPION FITNESS INC vs. 220 FIFTH REALTY LLC,
Motion No. 001

Page 1 of 2

CHECK IF APPROPRIATE:

☐

INCLUDES TRANSFER/REASSIGN

☐

FIDUCIARY APPOINTMENT

☐

REFERENCE